

Application No.: 09/974,581

Docket No.: JCLA7934

REMARKS**Present Status of the Application**

Claims 1-9 are now pending in this application. The Non-Final Office Action objected claims 1-9 because of informalities. Claim 5-9 are rejected under 35 U.S.C 112, second paragraph. Claim 5 is rejected under 35 U.S.C. 102(a) as being anticipated by Chi et al. (IEEE conference proceedings, "Blind Equalization using cumulant based MIMO inverse filter criteria for multiuser DS/CDMA systems in multipath", hereinafter Chi). Claim 1-4 and 6-9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Chi in view of Inouye et al. (IEEE paper, "Super-Exponential Algorithm for Multichannel Blind Deconvolution", hereinafter Inouye). These amendments are specifically described hereinafter. It is believed that the foregoing amendments add no new matter to the present application. Reconsideration of those claims is respectfully requested.

Discussion of the Rejection on Claims 5-9 under 35 USC 112

The Office Action rejected claims 5-9 under 35 U.S.C 112, second paragraph.

Claims 5-9 are amended to overcome the rejections under 35 U.S.C 112, second paragraph. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application.

Applicants wish to clarify that the foregoing amendments have been made for purposes of better defining the invention in response to the rejections made under 35 U.S.C. § 112, second

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paragraph, and not in response to the rejections made based on prior art. Indeed, Applicants submit that no substantive limitations have been added to the claims. Therefore, no prosecution history estoppel arises from these amendments. Applicants believe that these amendments place the claims in condition for allowance. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Discussion of the Rejection on Claim 5 under 35 USC 102

The Office Action rejected claim 5 under 35 U.S.C 102(a) as being under anticipated by Chi. Two joint inventors of this application, Chong-Yung Chi and Chi-Horn Chen, have made a declaration traversing rejections under 37 CFR 1.132 to overcome this rejection. The reference, Chi, published on 6-8 Aug. 2001 and cited against this application, was derived from the inventors' own works and not by "others". By this declaration, Chi is removed as invalid. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Discussion of Claim Rejection under 35 USC 103

The Office Action rejected claim 1-4 and 6-9 under 35 U.S.C. 103(a) as being unpatentable over Chi and Inouye.

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must

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disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue.

As discussed above, Chi is a reference published by joint inventors of this application, which means Chi is not qualified as a prior art under 35 USC 103 (a). Obviously, Inouye alone does not teach/disclose/suggest all features in all pending claims 1-9.

Consequently, the combination of Chi in view of Inouye does not render claims 1-9 obvious, and the rejection should be withdrawn. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

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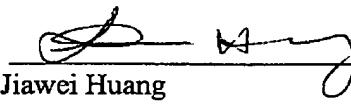
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-9 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,
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